



UNITED STATES PATENT and TRADEMARK OFFICE

24 JUL 2008

COMMISSIONER FOR PATENTS
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In re Application of : DECISION ON
Williams et al :
PCT No.: PCT/CA2004/001698 :
Application No.: 10/573,571 :
Int. Filing Date: 27 September 2004 : PETITION UNDER
Priority Date: 25 September 2003 :
Attorney's Docket No.: 85128-1202 :
For: LIQUID HUMAN ... POLYETHYLENE GLYCOL : 37 CFR 1.47(a) & 1.137(b)

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a) and 37 CFR 1.137(b)" filed on 04 April 2008. The petition fee of \$200.00 has now been completely paid since the deficient amount has been charged to Deposit Account No.: 01-0310.

BACKGROUND

In a decision from this Office on 04 January 2008, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that items (1), (3)-(4) had not been satisfied.

On 04 April 2008, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a) and 37 CFR 1.137(b)" requesting reconsideration of the Office's decision of 04 January 2008 with respect to accepting the above application without the signature of Ashley Martin.

DISCUSSION

37 CFR 1.47(a):

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Petitioner has now satisfied items (1), and (3)-(4) of 37 CFR 1.47(a). Petitioner had already satisfied item (2) of 37 CFR 1.47(a).

Regarding item (1), petitioner has now completely paid the petition fee of \$200 under 37 CFR 1.17(g) because only \$130.00 has been submitted.

Regarding item (3), petitioner has provided a statement of the last known address of the non-signing joint inventor.

Regarding item (4), has provided an executed declaration signed by the signing joint inventors on their behalf and on the behalf of the non-signing inventor Ashley Martin Williams.

Consequently, the petition does satisfy all the items under 37 CFR 1.47(a).

DECISION

The petition under 37 CFR 1.47(a) is **GRANTED** without prejudice.

37 CFR 1.137(b):

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has now satisfied item (1) under 37 CFR 1.137(b).

Applicants have provided: (1) the proper reply that is a properly executed declaration.

Accordingly, the petition is deemed to satisfy items (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED** without prejudice.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED** without prejudice.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **04 April 2008**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.



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In re Application of
Williams et al
PCT No.: PCT/CA2004/001698
Application No.: 10/573,571
Int. Filing Date: 27 September 2004
Priority Date: 25 September 2003
Attorney's Docket No.: 85128-1202
For: LIQUID HUMAN ... POLYETHYLENE GLYCOL

Dear : Ashley Williams

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.



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